

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
District of
South
Carolina,
Florence Division

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**WILLIAM PICKETT AND
VALARIE JOANNE PICKETT,**

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

Jury Trial: (check one) ☒ Yes ☐ No

-v-

**EXPERIAN INFORMATION SOLUTIONS,
INC.,
EQUIFAX INFORMATION SERVICES, LLC,
TRANSUNION, LLC,**

Defendant(s)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Plaintiff 1:

Name: William Pickett

Street Address: 4204 Lake Hartwell Dr

City and County: Florence, Florence County

State and Zip Code: South Carolina, 29501

Telephone Number: 910-691-3589

E-mail Address: *wpickett1@carolina.rr.com*

Plaintiff 2:

Name: Valarie Joanne Pickett

Street Address: 4204 Lake Hartwell Dr

City and County: Florence, Florence County

State and Zip Code: South Carolina, 29501

Telephone Number: 910-691-3589

E-mail Address: *wpickett1@carolina.rr.com*

B. The Defendant(s)

Defendant No. 1:

Name: Experian Information Solutions, Inc.

Job or Title: Consumer Reporting Agency

Street Address: 475 Anton Blvd

City and County: Costa Mesa, Orange County

State and Zip Code: California, 92626

Telephone Number: *NA*

E-mail Address: *NA*

Defendant No. 2:

Name: Equifax Information Services, LLC

Job or Title: Consumer Reporting Agency

Street Address: 1550 Peachtree Street, NW

City and County: Atlanta, Fulton County

State and Zip Code: Georgia, 30309

Telephone Number: *NA*

E-mail Address: *NA*

Defendant No. 3:

Name: TransUnion, LLC

Job or Title: Consumer Reporting Agency

Street Address: 555 West Adams Street

City and County: Chicago, Cook County

State and Zip Code: Illinois, 60661

Telephone Number: *NA*

E-mail Address: *NA*

II. Basis for Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises under federal laws, specifically the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 et seq., and the Truth in Lending Act (TILA), 15 U.S.C. § 1637a(a) and 15 U.S.C. § 1666b. These federal statutes provide the legal framework governing the conduct of the Defendants and ensure protection of the Plaintiffs' rights under federal law.

Additionally, this Court has jurisdiction under 28 U.S.C. § 1332 due to diversity of citizenship, as the Plaintiffs are citizens of South Carolina, and the Defendants are corporations incorporated and headquartered in different states.

The amount in controversy exceeds \$75,000, not including interest and costs.

III. Statement of Claim

Plaintiffs, William Pickett and Valarie Joanne Pickett, bring this action against Defendants for multiple violations of the Fair Credit Reporting Act (FCRA), the Truth in Lending Act (TILA), and other applicable state and federal laws. The specific facts supporting these claims are detailed as follows:

A. Inaccuracies in Credit Reporting (William Pickett)

2. William Pickett regularly monitors his credit reports and identified numerous inaccuracies reported by Defendants, including but not limited to incorrect late payments, charge-offs, and other derogatory information. The following accounts are in dispute:

a) **CitiCards CBNA**: Reported late payments across all three bureaus. The current balance is \$8,025 with a past due amount of \$553. Equifax has not recorded the past due amount, creating an inconsistency. The account was reported as 60 days late, negatively impacting William's credit score.

b) **Upgrade Inc. (Unsecured Loan)**: Balance of \$6,933 reported as charged off as bad debt on TransUnion and Experian. Another Upgrade Inc. account exists but does not show a balance, further causing inconsistencies.

c) **JP Morgan Chase (JPMCB)**: There are two JP Morgan accounts. One has a balance of \$15,615, highest credit of \$14,600, and past due of \$15,615, listed as derogatory. The other has a balance of \$1,592. Both accounts are incorrectly reported, violating FCRA accuracy requirements.

d) **LVNV Funding LLC (Collection)**: Listed as a collection with a balance of \$28,957 across all bureaus, despite the debt being sold. This violates FCRA's requirements for accurate reporting and is contributing negatively to William's credit score.

e) **Justice Federal Credit Union**: Reported as a charge-off with a balance of \$57,002 and a past due amount of \$9,229. Inconsistent past due amounts are reported across the bureaus, and the charge-off was incorrectly reported with 120 days late.

f) **Affirm Inc.**: Reported with a balance of \$553 and marked as charged off. Experian shows this account as derogatory, while TransUnion and Equifax inconsistently report this information, leading to further confusion and credit damage.

g) **InFirst Federal Credit Union**: The account is closed but still shows a balance of \$14,347 marked as charged off on Experian. Meanwhile, TransUnion reports the account as closed with a balance of \$0, creating confusion and unnecessarily lowering William's credit score.

h) **SYNCB/PPC**: Balance of \$3,308 reported as derogatory. This account has been inconsistently reported across the bureaus, violating FCRA requirements.

B. Inaccuracies in Credit Reporting (Valarie Joanne Pickett)

3. Valarie Joanne Pickett has identified numerous inaccuracies in her credit reports across all three bureaus.

Despite repeated disputes, these issues remain unresolved, causing significant damage to her creditworthiness:

a) **Navy Federal Credit Union (Credit Card)**: A balance of \$20,680 is reported, with a credit limit of \$25,000 and utilization of 83%. A 30-day late payment was reported across all three bureaus, despite disputes filed over 8 months by her husband. The dispute remains unresolved.

b) **Apple Card/GS Bank USA (Credit Card)**: A balance of \$2,767 is reported, with a credit limit of \$2,900 and utilization of 95%. Despite prior disputes regarding the high utilization rate and accuracy of the balance, the issue remains unresolved across all bureaus.

c) **SYNCB/CARE CREDIT (Health Credit Card)**: A balance of \$634 is reported, with a credit limit of \$2,300 and utilization of 28%. There are no derogatory marks, but prior disputes have not been resolved.

d) **Capital One (Credit Card)**: Reported with a balance of \$0 after account closure. The account was disputed, and discrepancies about its closure remain unresolved across all bureaus.

C. Failure to Conduct Reasonable Investigations (Both Plaintiffs)

4. Both William and Valarie Joanne Pickett have disputed the inaccuracies with Defendants between March 2024 and June 2024, following the proper procedures outlined in 15 U.S.C. § 1681i. Defendants failed to conduct reasonable investigations, violating the FCRA. The specific failures are as follows:

a) Experian failed to respond within the 30-day period mandated by the FCRA, in violation of 15 U.S.C. § 1681i(a)(1)(A).

b) Equifax and TransUnion responded inadequately, failing to correct the inaccurate and unverifiable information, violating 15 U.S.C. § 1681e(b) and 15 U.S.C. § 1681i(a)(5).

D. Impact of Inquiries on Credit (Both Plaintiffs)

5. Both William and Valarie Joanne Pickett have experienced negative credit impacts due to excessive and potentially unauthorized inquiries listed across all three credit bureaus, especially from creditors such as SYNCB, TD Bank, and Navy Federal. The inquiries have contributed to a lowered credit score and should be contested.

E. Other Inconsistencies (Both Plaintiffs)

6. The following additional inconsistencies have been identified across both William and Valarie Joanne Pickett's credit reports:
 - a) **SYNCB Accounts:** Several SYNCB accounts, including SYNCB/CARE CREDIT and SYNCB/LOWES, show inconsistencies in how they are listed across the bureaus. Some show as closed, while others report ongoing activity.
 - b) **Capital One:** The closure of the Capital One account is inconsistently reported between the bureaus, especially regarding the status prior to closure.

IV. Relief

Plaintiffs seek the following relief:

1. **Actual Damages:** Plaintiffs seek compensation for economic loss, emotional distress, and damage to their creditworthiness. The amount will be determined at trial based on the financial and emotional harm suffered.
2. **Statutory Damages:** Plaintiffs seek statutory damages as provided by the Fair Credit Reporting Act (FCRA).
3. **Punitive Damages:** Plaintiffs seek punitive damages due to Defendants' willful noncompliance with the FCRA, in an amount to be determined at trial.
4. **Injunctive Relief:** Plaintiffs request that the Court order Defendants to: a) Correct all inaccuracies and remove any unverifiable information from Plaintiffs' credit reports. b) Provide a dedicated contact person or department that Plaintiffs can directly contact for any future disputes or corrections, ensuring timely and proper handling of any credit reporting issues.
5. **Costs and Attorney's Fees:** Plaintiffs seek an award for costs and reasonable attorney's fees incurred in bringing this action, as provided by the FCRA.
6. **Other Relief:** Plaintiffs seek any other relief the Court deems just and proper.

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. It is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law. The factual contentions have evidentiary support or, if specifically, so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery. The complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing:

9/11/2024

Signature of Plaintiff:

Will Pickett**Printed Name of Plaintiff:** William Pickett

Date of Signing:

9/11/2024

Signature of Plaintiff:

Val Joanne Pickett**Printed Name of Plaintiff:** Valarie Joanne Pickett